IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WP(C).No. 30194 of 2006(T)

PETITIONER:

C.CHRISTU DAS,
DIRECTOR, M/S. DALE VIEW, HEAD OFFICE,
PUNALAL P.O., POOVACHAL, THIRUVANANTHAPURAM.

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENTS:

THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES PROVIDENT FUND
ORGANISATION, REGIONAL OFFICE,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SMT.T.N.GIRIJA, SC, EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C)NO.30194 OF 2006

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Dated this the 16th day of November 2006

JUDGMENT

Petitioner's grievance is that recovery proceedings are initiated almost simultaneous to proceedings issued under Section 7C of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 demanding additional contribution of about ten lakhs rupees under two separate orders on the ground that PF contribution originally paid is not based on actual wages. In any case, petitioner has a statutory right of appeal against Section 7C orders.

2. Writ petition is therefore disposed of directing the first respondent to withhold recovery proceedings for six months from now on petitioner remitting Rs.3.5 lakhs towards the additional demand as shown in Ext.P1 within a period of one month from now. Petitioner is free to file an appeal against the orders and if appeals are filed, there will be a direction to the Tribunal to entertain the appeals treating the above payment as sufficient compliance for maintainability of the appeal and dispose of the appeals within four months from the date of filing of the appeal. Recovery thereafter will be based on the orders of the Tribunal.

Writ petition is disposed of as above.

C.N.RAMACHANDRAN NAIR, JUDGE

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